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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,296	06/24/2003	Richard James Humpleman	SAM1.PAU.14.C	2879
23386 7590 11/26/2007 MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/606,296

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-36 is/are rejected:
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is responsive to the amendment and remarks filed on September 07, 2007.
2. Claims 9-36 are presented for examination and claims 1-8 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections – 35 USC 112*

4. Claims 15, 19, 26, 28 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
  - i. As per claim 15, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).
  - ii. As per claim 19, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).
  - iii. As per claim 26, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 22, line 7 (if they are the same, then such should be indicated by use of the word –said--).

iv. As per claim 28 (lines 1-2), it is unclear if “a web page” refers to “a web page” in claim 22, line 6 (if they are the same, then such should be indicated by use of the word –said--).

v. As per claim 32, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).

*Claim Rejections – 35 USC 101*

5. Claims 22-36 are rejected under 35 U.S.C. 101 because “A home network system” comprising a server device and a client device (i.e., software) does not include any functional structure of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter.

*Claim Rejections – 35 USC 102*

6. Claims 9-11 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

7. Venkatraman was cited in the previous office action.

8. As per claim 9, Venkatraman teaches the invention as claimed for a server device (10,

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50-52, fig. 2) to communicate with a client device (40, fig. 2) in a home network (fig. 2), comprising the steps of:

- (a) sending server device characteristic data (col. 3, lines 34-42) in response to a first request signal generated by said client device (col. 6, lines 1-5, 10-26) (sending web page 18 that reflect the state of information and control buttons for the device in response to HTTP command from web browser);
- (b) receiving a second request signal requesting a web page contained within said server device, wherein said second request signal is generated in response to said server device characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives a HTTP signal corresponding to the selection of a hyperlink on webpage 18 requesting web pages located internal to the device); and
- (c) sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).

9. As per claim 22, Venkatraman teaches the invention as claimed comprising:

a server device (10, 50-52, fig. 2);

a client device (40, fig. 2) connected to the server device via a home network (fig. 2); and

a control protocol for the server device to communicate with the client device (col. 6, lines 1-5) by:

sending server device characteristic data (col. 3, lines 34-42) in response to a first request signal generated by said client device (col. 6, lines 1-5, 10-26) (sending web page 18 that reflect the state of information and control buttons for the device in response to HTTP command from web browser);

receiving a second request signal requesting a web page contained within said server device, wherein said second request signal is generated in response to said server device characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives a HTTP signal corresponding to the selection of a hyperlink on webpage 18 requesting web pages located internal to the device); and  
sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).

10. As per claims 10 and 23, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein:

step (a) further includes the steps of sending (by the server device) said server device characteristic data to the client device (col. 6, lines 8-12; col. 7, lines 1-7);  
step (b) further includes the steps of the client device receiving said server device characteristic data and generating said second request signal in response to said device characteristic data (col. 7, lines 5-17); and  
step (c) further includes the steps of sending (by the server device) the web page to the client device in response to said second request signal (col. 7, lines 5-17).

11. As per claims 11 and 24, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein the server device includes at least one controllable function (col. 8, lines 1-4).

*Claim Rejections – 35 USC 103*

12. Claims 12-17, 25-30, 34, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Eyer et al , U.S. Patent 5,982,445 (hereinafter Eyer).

13. As per claims 12 and 25, Venkatraman teaches the invention as claimed in claims 11 and 24 above. Venkatraman does not specifically teach menu for selecting server device among a plurality of server devices. Eyer teaches creating a menu (fig. 5) for selecting said server device among a plurality of server devices to activate said controllable function (col. 12, lines 31-35); and displaying said menu on a browser based device (col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Eyer because Eyer's teaching of menu for selecting server device among a plurality of server devices would increase the efficiency of Venkatraman's system by allowing one interface for controlling a plurality of devices instead of plurality of separate interface for each of the devices.

15. As per claims 13 and 26, Venkatraman and Eyer teach the invention substantially as claimed in claims 12 and 25 above. Venkatraman and Eyer further teach wherein said menu

comprises a web page including at least one hypertext link to the web page (see Eyer, col. 13, lines 23-31) contained within said server device (see Venkatraman, col. 8, lines 39-43).

16. As per claims 14 and 27, Venkatraman and Eyer teach the invention substantially as claimed in claims 13 and 25 above. Venkatraman and Eyer further teach the step of creating the menu further includes the steps of: (i) creating a device link page (see Eyer, fig. 5) from the home network, wherein the device link page includes at least one device control for each of the plurality of server devices (see Eyer, col. 12, lines 23-27), and (ii) associating a hypertext link with each device control, wherein the hypertext link provides a link to at least one type of graphical and textual information contained in the server device (see Venkatraman, col. 8, lines 39-43) and associated with the device control (see Eyer, col. 13, lines 23-31); and the steps of displaying said menu includes the steps of displaying said device link page (see Eyer, col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

17. As per claims 15 and 28, Venkatraman and Eyer teach the invention substantially as claimed in claims 14 and 27 above. Venkatraman further teach said device link page comprises a web page or html page including at least one hypertext link to a web page or an html page contained within said server device (col. 3, lines 43-45).

18. As per claims 16 and 29, Venkatraman and Eyer teach the invention substantially as claimed in claims 14 and 27 above. Eyer further teach generating a device link file, wherein the device link file identifies the plurality of server devices (col. 12, lines 31-35); and



creating the device link page including said device control associated with the plurality of server devices identified in the device link file (col. 12, lines 31-35).

19. As per claims 17 and 30, Venkatraman and Eyer teach the invention substantially as claimed in claims 16 and 29 above. Venkatraman further teach associating a logical device name with the server device (col. 6, line 39; col. 7, lines 1-4); and storing the logical device name in the device link file (col. 6, line 39; col. 7, lines 1-4).

20. As per claim 34, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the menu generator is a component of the client device (col. 6, lines 57-59).

21. As per claim 35, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the browser is a component of the client device (col. 6, lines 57-59).

22. As per claim 36, Venkatraman and Eyer teach the invention substantially as claimed in claim 25 above. Venkatraman further teach the client device includes said browser based device (col. 6, lines 57-59) (client device including the browser).

23. Claims 20, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Armstrong et al, U.S. Patent 5,432,789 (hereinafter Armstrong).

24. Armstrong was cited in the previous office action.

25. As per claim 20, Venkatraman teaches the invention as claimed in claim 11 above.

Although Venkatraman teaches server device connected to the home network (fig. 2), however, Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting that the server device is currently connected to the network (abstract).

26. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

27. As per claims 21 and 33, Venkatraman teach the invention as claimed in claims 11 and 22 above. Although Venkatraman teaches server device connected to the home network (fig. 2), however, Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting an active status of the server device currently connected to the network (abstract).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

29. Claims 18-19 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Eyer in view of Chang et al, U.S. Patent 5,974,449 (hereinafter Chang).

30. Chang was cited in the previous office action.

31. As per claims 18 and 31, Venkatraman and Eyer teach the invention substantially as claimed in claims 17 and 29 above. Although Venkatraman further teach retrieving a logical device name from the device link file (col. 6, line 39, e.g., Printer Name>Portdv9); and storing the logical device name in the device link page (col. 6, lines 56-59) (retrieving the Printer Name from the HTML file in order to render the displayed web page with stored Printer name shown in 64, fig. 3), however, Venkatraman and Eyer do not teach converting the logical device name to a device control. Chang teaches converting the logical device name to the device control (col. 8, line 49-col. 9, line 3) (converting server sf\_cp to a “play” command: [http://H/sf\\_cp.com/jdoe/play](http://H/sf_cp.com/jdoe/play)).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman, Eyer and Chang because Chang’s teaching of converting the logical device name to a device control would allow a user in Venkatraman’s and Eyer’s systems to command a remote device over a network.

33. As per claims 19 and 32, Venkatraman, Eyer and Chang teach the invention substantially as claimed in claims 18 and 31 above. Venkatraman further teach said device link page comprises a web page or html page including at least one hypertext link to a web page or an html page contained within said server device (col. 3, lines 43-45).

34. Applicant's arguments with respect to claims 9 and 22, filed 09/06/07, have been fully considered but they are not persuasive.

35. Applicant's arguments with respect to claims 12, 14, 18-19, 25 and 27, filed 09/06/07, have been fully considered but they are moot in view of new ground(s) of rejection.

36. In the remark, applicant argued that:

- (1) A system comprising device are statutory
- (2) Venkatraman fails to teach receiving a second request signal requesting a web page contained within said server device, wherein said second request signal is generated in response to said server device characteristic data.

37. In response to point (1), according to page 23, line 17 of the specification, a number of software agents are (i.e., software per se) representing devices. Based on the teaching of the specification, claims 22-36 are rejected under 35 U.S.C. 101 because "A home network system" comprising a server device and a client device (i.e., software) does not include any functional

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structure of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter.

38. In response to point (2), Venkatraman teaches HTML file contains URLs (hyperlinks) that control functions for the device. The URL points to web page (e.g., 18, figs. 1 and 2) located internal to the device (col. 8, lines 39-43) (e.g., nonvolatile memory, col. 7, lines 15-18). Venkatraman further teach selecting the URLs (hyperlinks) for other web pages (col. 7, lines 5-22; col. 8, lines 38-44). This means a HTTP signal must be received corresponding to the selection of the URL (hyperlink) on web page (18, figs. 1 and 2) requesting other web pages located internal to the device.

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO

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5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

11/20/7